

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

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|--|---|------------------------------------|
| DALE J. WEBER, |) | |
| |) | Civil Action No. 20 – 595 |
| Plaintiff, |) | |
| |) | Magistrate Judge Lisa Pupo Lenihan |
| v. |) | |
| |) | |
| SUPT. WARDEN ORLANDO HARPER, <i>et</i> |) | |
| <i>al.</i> , |) | |
| |) | |
| Defendants. | | |

ORDER

IT IS ORDERED that the Motion to Proceed *in forma pauperis* (ECF No. 3) is **GRANTED** and the Clerk of Court is directed to reopen this case and file the complaint and its attachments.

The filing fee is \$350.00 and Plaintiff, having been granted leave to prosecute *in forma pauperis*, and pursuant to the Prison Litigation Reform Act, the Superintendent/Warden of the institution where this inmate is incarcerated is directed to remit from the prisoner's account, in monthly installments, the full \$350.00 fee. Enclosed is a copy of an authorization for the Plaintiff to sign and return to the court. The Plaintiff shall either authorize the payments or withdraw this action within 20 days.

IT IS HEREBY ORDERED that as soon as funds are available in the inmate's prison account, the Superintendent/Warden shall submit an initial partial payment of 20 percent of the greater of:

- (1) the average monthly balance in the inmate's prison account for the past six months, or

- (2) the average deposits into the inmate's prison account for the past six months.

The remittance must be accompanied by a statement of the calculations used to arrive at the amount, a copy of which you shall furnish to the inmate. After the initial payment, if there remains any unpaid fee due and owing the Court, the Superintendent/Warden in any institution where the inmate is incarcerated is required by law to set aside and remit on a monthly basis 20 percent of the preceding month's deposits credited to the prisoner's account until the \$350.00 filing fee has been paid in full. Each time a deposit is made to the inmate's account, the Superintendent/Warden shall set aside the deposit immediately before any disbursement is made by the inmate, until an amount equal to 20 percent of the previous month's deposits is obtained. When the 20 percent amount is obtained, and the amount in the account exceeds ten dollars, it shall be transmitted in one monthly payment to the Clerk of Court. Each payment shall be clearly identified by the name and number of the prisoner and the number assigned to this action. Payments must be made payable to "Clerk, U.S. District Court of the Western District of Pennsylvania" and transmitted to:

Clerk of Court
U. S. District Court
Western District of Pennsylvania
700 Grant Street
Suite 3110
Pittsburgh, PA 15219

In the event the Plaintiff is transferred to a different correctional facility before the full filing fee is paid, you must forward this Order to the Superintendent/Warden of the receiving institution. This Order will be binding on the Superintendent/Warden of any correctional facility

where the prisoner is incarcerated until the filing fee is paid in full in accordance with provisions of 28 U.S.C. § 1915(b)(1).

IT IS FURTHER ORDERED that Plaintiff's Motion for Service of Summons (ECF No. 3) is **DENIED AS MOOT**. The United States Marshals Service is responsible for service in prisoner civil rights actions when the prisoner is proceeding *in forma pauperis*.

Dated: June 23, 2020

/s/ Lisa Pupo Lenihan
Lisa Pupo Lenihan
United States Magistrate Judge

Cc: Dale J. Weber
41077
Allegheny County Jail
950 Second Avenue
Pittsburgh, PA 15219